

EXHIBIT 6

Page 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----x
UNITED STATES OF AMERICA
ex rel. JULIE LONG,
Plaintiffs,
vs.
JANSSEN BIOTECH, INC.,
Defendant.

Civil Action No.: 16-12182-FDS

-----x
VIDEOTAPED DEPOSITION OF JANICE BABIA-RAMOS
Tuesday, December 19, 2023
Conducted Remotely

REPORTED BY:
Christina Diaz, CRC, CRR, RMR, CSR-NY/NJ, CLR
HUDSON COURT REPORTING & VIDEO (800) 310-1769

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6
7 December 19, 2023
8 9:04 A.M. E.S.T.
9
10 Videotaped deposition of JANICE
11 BABIA-RAMOS, taken by plaintiffs, pursuant
12 to notice dated December 11, 2023, conducted
13 remotely, before Christina Diaz, a Certified
14 Realtime Captioner, Certified Realtime and
15 Registered Merit Reporter and Notary Public
16 within and for the State of New York.

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21
22 ALSO PRESENT:
23 EDWIN MENDEZ, Videographer
24
25

Pages 1 to 4

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1 J. Babia-Ramos
 2 Q. Were your communications with the
 3 PRC done through telephone discussions, a
 4 live meeting or via e-mail, or a
 5 combination of those three?
 6 A. So it would be a combination.
 7 But mostly in person, like physically in
 8 the meetings.
 9 And what I mean by a combination
 10 is, sometimes one of the members on the
 11 team would have to call in to be part of
 12 the meeting.
 13 Q. And where did the meetings take
 14 place?
 15 A. Home office.
 16 Q. In a conference room?
 17 A. Yes. In a conference room.
 18 Q. And then as the project
 19 initiator, you would present the strategy
 20 or program that you wanted the PRC to
 21 review?
 22 A. As the project initiator, I was
 23 responsible for shepherding that item
 24 through PRC, going back and making any
 25 edits if they recommended any edits and

1 J. Babia-Ramos
 2 opportunity to voice an objection.
 3 Do you recall Mr. Jimenez raising
 4 concerns about the SOC 360 support
 5 strategy?
 6 MR. PASTAN: I am going to
 7 object, Casey, and instruct the witness
 8 not to answer that question, which
 9 necessarily depends on any
 10 communications that she received from
 11 counsel. And it's privileged.
 12 MR. PRESTON: Ms. Ramos, before
 13 you answer or provide any information,
 14 Nick, I am again having a hard time
 15 hearing you.
 16 THE WITNESS: Can you hear me
 17 now?
 18 MR. PASTAN: Sorry. Is this any
 19 better?
 20 MR. PRESTON: That's much better.
 21 Thanks.
 22 MR. PASTAN: This microphone, you
 23 have to like eat it to get the sound
 24 out of it apparently. It's on the
 25 record.

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1 J. Babia-Ramos
 2 bringing it back through PRC until final
 3 approval.
 4 Q. In the context of the site of
 5 care 360 support strategy, do you recall
 6 that the PRC asked you to make changes to
 7 your submission?
 8 MR. PASTAN: Object to form.
 9 A. Yes. As a process, I know I
 10 remember that happened but I cannot
 11 remember any specific instance and details
 12 around that because it was a long time ago.
 13 BY MR. PRESTON:
 14 Q. Do you recall the PRC raising
 15 concerns about the proposed strategy?
 16 MR. PASTAN: Object to form.
 17 A. I remember putting everything
 18 through PRC and if there were any edits or
 19 feedback we would make those changes until
 20 it was approved and everything that was
 21 approved was -- were the items that we used
 22 with customers and with our internal
 23 stakeholders.
 24 BY MR. PRESTON:
 25 Q. Again, give your counsel an

1 J. Babia-Ramos
 2 MR. TORIC: Could I have the
 3 objection either read back or stated
 4 again. It didn't come through very
 5 well.
 6 MR. PASTAN: Sure. I am happy to
 7 make it again.
 8 Like I said, I am objecting and
 9 instructing the witness not to answer
 10 the question about whether Mr. Jimenez
 11 provided certain feedback.
 12 It necessarily depends on
 13 communications that she received from
 14 counsel, and it's privileged.
 15 MR. PRESTON: Even though that
 16 that happened within the context of a
 17 PRC review?
 18 MR. PASTAN: Yes. Like we
 19 said, you guys are asking questions.
 20 We are not putting a legal PRC
 21 review at issue. We are not waiving
 22 privilege. We have made this very
 23 clear. And we have consistently
 24 objected to this through all the
 25 depositions.

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1 J. Babia-Ramos
 2 BY MR. PRESTON:
 3 Q. Ms. Ramos, did the promotional
 4 review committee approve of the site 360
 5 support strategy concept?
 6 A. The PRC committee approved
 7 several assets, resources, tools, content
 8 that supported the site of care strategy.
 9 Q. So it moved beyond the concept
 10 stage?
 11 Right now, we are focusing on the
 12 concept review.
 13 A. Right.
 14 What are you specifically asking
 15 was approved through the concept review?
 16 Q. Correct.
 17 Did the PRC approve of the SOC
 18 360 support strategy after you submitted it
 19 for a concept review?
 20 A. So, again, I did not submit a
 21 strategy. I submitted assets, programming,
 22 content, that, within those assets and
 23 content, supported the site of care
 24 strategy. So they would approve the
 25 content ultimately.

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1 J. Babia-Ramos
 2 So whatever we used in the site
 3 of care program was approved by PRC and so
 4 therefore, yes. The site of care strategy
 5 was approved.
 6 Q. As part of the presentation of
 7 request for approval of programming related
 8 to the site of care 360 support strategy,
 9 did you present information to the PRC that
 10 concerned the independent value of the
 11 programs beyond Remicade?
 12 MR. PASTAN: Object to form, and
 13 to extent it calls for a legal
 14 conclusion.
 15 A. So I am not familiar with that
 16 term. So I can't answer that question.
 17 BY MR. PRESTON:
 18 Q. As the employee who was -- sort
 19 of spearheaded the development of the SOC
 20 360 support strategy, you didn't take a
 21 look at whether this -- the programs had
 22 any independent value beyond Remicade?
 23 MR. PASTAN: Object to the form
 24 of the question.
 25 A. The content was to provide

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1 J. Babia-Ramos
 2 information that would help health care
 3 providers understand what the key
 4 considerations were to infuse Remicade. So
 5 what that meant to the practice -- you
 6 would have to ask the practice what that
 7 meant to them. But that was the intent of
 8 the program and everything that was
 9 reviewed through PRC was what we used to
 10 support the strategy and to support the
 11 programming.
 12 BY MR. PRESTON:
 13 Q. Did you provide the PRC with an
 14 evaluation of the value of the SOC 360
 15 programs or the benefits those programs
 16 provided to physician practices?
 17 MR. PASTAN: Again, object to the
 18 form of the question.
 19 A. Depending on what the asset was,
 20 I mean, we would have to say what the
 21 intent was, right. So was it education?
 22 Was it helping the practice identify
 23 potential barriers? So in that regard, we
 24 provided helpful information to help
 25 practices understand how to incorporate

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1 J. Babia-Ramos
 2 Remicade in their daily operations.
 3 BY MR. PRESTON:
 4 Q. And once you received a PRC
 5 review approval, what did you do? What was
 6 your role, then, in implementing that
 7 approved program or strategy?
 8 A. So if there were edits
 9 recommended for approval, then I would make
 10 those edits. Once it was finally approved,
 11 then -- again, it depends on what we are
 12 talking about -- but the audience that it
 13 was intended for and who was delivering the
 14 message was also approved as part of the
 15 PRC process, and so we would go ahead and
 16 execute all that. Deliver that tool or
 17 resources or whatever we are talking about
 18 to the intended audience through the
 19 approved modality.
 20 Q. Was it reviewed with the PRC that
 21 Janssen would have outside consultants
 22 present the SOC 360 programs?
 23 A. That was also part of the
 24 approval process. So we would have to
 25 indicate who was delivering the content and

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1 J. Babia-Ramos
 2 would also be set forth in the submission
 3 to the PRC?
 4 A. That was part of the information
 5 submitted, yes.
 6 Q. Maybe you answered this question.
 7 I'm sorry if I already asked it, but when
 8 you were submitting the concept review
 9 related to the SOC 360 programs, you
 10 reviewed that with Mr. Jimenez as part of
 11 the PRC review?
 12 MR. PASTAN: I'm just going to
 13 caution the witness to not reveal any
 14 communications with counsel. She can
 15 answer a question about whether
 16 something was reviewed, but I would
 17 limit it to that.
 18 You can answer, if you know,
 19 whether the concept review and
 20 associated programs was with
 21 Mr. Jimenez.
 22 A. So legal is part of several
 23 reviews along with other members of the PRC
 24 committee.
 25 MR. PRESTON: I'm going to mark

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1 J. Babia-Ramos
 2 you were copied on and it states, "Attached
 3 are slides that Kara wants to present
 4 tomorrow at the Train the Trainer in prep
 5 for the NSM. I believe this content
 6 (Practice Support Programs, PSP), is what
 7 was discussed (in concept) by Janice Babia
 8 at PRC a couple of weeks ago. Edmund, I
 9 believe you participated in that discussion
 10 along with Freddy."
 11 And I guess I'm showing you that
 12 in order to see whether this refreshes your
 13 memory that you reviewed the practice
 14 support programs concept with Mr. Jimenez
 15 in late 2005 or early 2006 at a PRC concept
 16 review?
 17 MR. PASTAN: Again, I just want
 18 to caution the witness not to reveal
 19 anything about what was communicated if
 20 -- strike that.
 21 Let me start over.
 22 First, I just want to make it
 23 clear. We are not waiving privilege.
 24 I can't control what questions you ask
 25 about this, obviously, Casey, but we

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1 J. Babia-Ramos
 2 as Plaintiffs' Exhibit 140 --
 3 MR. PASTAN: Casey, it's been
 4 about an hour. I don't know how long
 5 that next exhibit's going to take.
 6 They have been taking a while.
 7 MR. PRESTON: Yes. Let me finish
 8 up this line of questioning, and then
 9 we'll take a break.
 10 I'm marking, as Plaintiffs'
 11 Exhibit 140, an e-mail that is Bates
 12 numbered JANSSEN BIO 55-773 and the
 13 attachment is to that was JANSSEN BIO
 14 55-774.
 15 I don't have questions concerning
 16 the attachment, Ms. Ramos.
 17 (Exhibit 140, e-mail string
 18 beginning with e-mail dated 1/10/06
 19 with attachment bearing Production Nos.
 20 JANSSEN BIO 55-773 through 774, 13
 21 pages, was marked for identification)
 22 BY MR. PRESTON:
 23 Q. I have a question regarding the
 24 e-mail at the top of the first page of the
 25 exhibit, an e-mail from Mr. Firriolo that

1 J. Babia-Ramos
 2 have made it very, very clear
 3 throughout the entire process we are
 4 not waiving privilege. If the witness
 5 can answer that without revealing any
 6 communications with counsel or any
 7 advice of counsel, she can answer
 8 whether a discussion was had, but I
 9 would limit it to that if she recalls.
 10 A. Can you ask me the question
 11 again?
 12 BY MR. PRESTON:
 13 Q. Does the e-mail at the top of
 14 Exhibit 140 refresh your memory that you
 15 reviewed the practice support programs
 16 concept with Mr. Jimenez in late 2005 or
 17 early 2006 as part of a PRC concept review?
 18 MR. PASTAN: Again, I just want
 19 to reiterate my objection. Without
 20 revealing any specific communications
 21 or advice of counsel, you can answer
 22 that question, if you recall.
 23 A. I don't remember this e-mail,
 24 though, I see that I'm cc'd on it, but I
 25 did not write it. So I don't have any

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1 J. Babia-Ramos
 2 recollection of this e-mail and the details
 3 around it.
 4 BY MR. PRESTON:
 5 Q. I am not asking for your
 6 recollection of the specific e-mail, but
 7 does it refresh your memory as to a meeting
 8 with Mr. Jimenez and Mr. Greenidge
 9 concerning the PRC concept review related
 10 to the practice support programs?
 11 MR. PASTAN: Again, I just want
 12 to caution the witness not to reveal
 13 any advice or communications with
 14 counsel. I think she can answer what
 15 she recalls without doing so.
 16 Again, I don't think that this
 17 would be anything more than what would
 18 be revealed on a privileged log. But I
 19 just caution her when answering the
 20 question to keep that in mind.
 21 A. I don't recall.
 22 MR. PRESTON: Okay. Go off the
 23 record.
 24 THE VIDEOGRAPHER: The time is
 25 2:49 p.m., and we are off the record.

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1 J. Babia-Ramos
 2 (Recess)
 3 THE VIDEOGRAPHER: The time is
 4 3:02 p.m., and we are back on the
 5 record.
 6 MR. PRESTON: I am going to mark
 7 as Plaintiffs' Exhibit 141 a PowerPoint
 8 presentation that was provided in
 9 native format. The slip cover sheet is
 10 JANSSEN BIO 52-73.
 11 (Exhibit 141, Native File bearing
 12 Production Nos. JANSSEN BIO 52-73, 25
 13 pages, was marked for identification)
 14 BY MR. PRESTON:
 15 Q. Ms. Ramos, you were identified as
 16 the custodian of this document when it was
 17 produced and that you were involved in
 18 its -- you played a role in drafting it.
 19 I will give you a moment to just
 20 page through it again. I have a question
 21 on a couple of the slides.
 22 I don't want to spend too much
 23 time on the document, but I will give you a
 24 moment to refamiliarize yourself with it
 25 before I ask some questions.

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1 J. Babia-Ramos
 2 A. Okay.
 3 (Witness reviewing document).
 4 Q. All right. Ms. Ramos, do you
 5 recall having a role in creating this
 6 document?
 7 A. Yes. I'm just nearly finished
 8 going through. I am on slide 18.
 9 (Witness reviewing document).
 10 Okay.
 11 Q. Again, according to the metadata
 12 from this document, it's from January 2006.
 13 Do you recall this document,
 14 Ms. Ramos?
 15 A. Some of the slides look familiar,
 16 yes.
 17 Q. Did you have play a role in
 18 creating these slides?
 19 A. Some of them, yes.
 20 Q. And this presentation deck gives
 21 an overview of the SOC 360 programming; is
 22 that accurate?
 23 A. It looks like it, yes.
 24 Q. I am going to have you go to page
 25 9 of the exhibit.

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1 J. Babia-Ramos
 2 A. Okay.
 3 Q. And do you see that chart, and at
 4 the top, it says, Site of Care 360
 5 Programs.
 6 And in the first box it says, "An
 7 arsenal of programs and resources focused
 8 on addressing Access, Efficiency and
 9 Capacity issues to support solution selling
 10 at every account level."
 11 Do you see that?
 12 A. Yes.
 13 Q. I know we talked about the term
 14 solution selling earlier, but does this
 15 refresh your memory as to what solution
 16 selling is?
 17 A. Well, the program description
 18 looks familiar.
 19 Q. Do you recall what solution
 20 selling meant?
 21 A. I see what the slide says, but I
 22 don't remember specifically what solution
 23 selling meant.
 24 Q. Was the goal to provide services
 25 of value to site of care with respect to

Pages 213 to 216